

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

<b>JOHN DOWDY, JR., et al.,</b>	)	
	)	<b>6:12-cv-03121-DGK</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>VERACITY FINANCIAL GROUP, LLC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER GRANTING MOTION TO COMPEL POST-JUDGMENT DISCOVERY**

This case arises out of Plaintiffs’ allegations that Defendant Veracity Financial Group, LLC violated the Fair Debt Collection Practices Act. On September 24, 2012, the Court granted a default judgment in favor of Plaintiffs (Doc. 17). Pending before the Court is Plaintiffs’ “Motion to Compel Responses to Post-Judgment Discovery” (Doc. 18). Defendant failed to respond. For the reasons discussed herein, Plaintiffs’ motion is GRANTED.

Federal Rule of Civil Procedure 69(a)(1) provides that a “money judgment is enforced by a writ of execution, unless the court directs otherwise,” and that the procedure on execution, and in proceedings in aid of execution, “must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” *Id.* Rule 69(a)(2) provides that in aid of a judgment or execution, a judgment creditor “may obtain discovery from any person—including the judgment debtor—as provided in [the Federal Rules of Civil Procedure] or by the procedure of the state where the court is located.” *Id.* Missouri Rule of Civil Procedure 76.28 allows post-judgment discovery of “matters ... relevant to the discovery of assets or income subject to

... the satisfaction of judgments.” *Credit Lyonnais, S.A. v. SGC Intern Inc.*, 160 F.3d 428, 430 (1998) (citing Mo. R. Civ. P. 76.28).

Here, Plaintiffs seek to serve Defendant with post-judgment interrogatories and requests for production of documents in aid of the execution of their judgment. *See* Doc. 20. This procedure is appropriate pursuant to Federal Rule of Civil Procedure 69 and Missouri Rule of Civil Procedure 76.28. *See Credit Lyonnais*, 160 F.3d at 430 (discussing how parties have a right to conduct reasonable post-judgment discovery and to inquire into the assets of a judgment debtor).

### **Conclusion**

Plaintiffs’ motion is GRANTED. Defendant is ordered to comply with discovery by answering Plaintiffs’ interrogatories and producing the records requested in Plaintiffs’ “Request for Production of Documents” by May 6, 2013.

IT IS SO ORDERED.

Dated: April 16, 2013

/s/ Greg Kays  
GREG KAYS  
UNITED STATES DISTRICT JUDGE